

ORDINANCE NO. 2023-04

**AN ORDINANCE AMENDING CHAPTER 54, ARTICLE III, DIVISION 2
OF THE CODE OF ORDINANCES FOR THE VILLAGE OF UNION GROVE,
RELATING TO FAIR HOUSING**

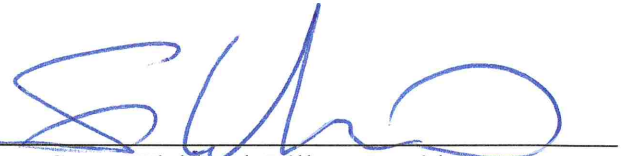
The Village Board of the Village of Union Grove ordains as follows:

1. That Chapter 54, Article III, Division 2 of the Municipal Code of the Village of Union Grove be, and hereby is, amended to read as follows on attached Exhibit A incorporated herein by reference.
2. That this ordinance shall become effective upon adoption and publication as provided by law.

Adopted by the Village Board of Union Grove, Racine County, Wisconsin, this 8th day of May, 2023.

VILLAGE OF UNION GROVE

By:



Steve Wicklund, Village President

Attest:



Sara Spencer, Village Clerk

EXHIBIT A

**Article III. Discrimination
Division 1. Generally**

Secs. 54-61--54-85. Reserved.

Division 2. Fair Housing*

Sec. 54-86. Title.

This division shall be known as the Union Grove Fair Housing Ordinance. Wis. Stat. § 66.1011, regarding equal rights, is adopted by reference in this section as if fully set forth.

Sec. 54-87. Definitions.

For the purpose of this division, the definitions of Wis. Stat. §§ 66.1011, 106.50, and 101.132 shall apply.

Sec. 54-88. Declaration of policy.

It is declared to be the policy of the Village, pursuant to the Constitution of the United States and the Constitution of the State, and also its power to protect the public health, safety and general welfare that all persons are entitled to fair and equal access to housing. To that end the Village has enacted this Division to ensure the right of all persons to have equal opportunities for housing regardless of their sex, race, color, disability, sexual orientation, religion, national origin, marital status, family status, status as a victim of domestic abuse, sexual assault, or stalking, lawful source of income, age or ancestry and, to thereby prohibit discrimination in housing by any person on the basis of this ordinance and the statutes incorporated herein. This Division shall be considered an exercise of the police powers of the Village for the protection of the welfare, health, peace, dignity, and human rights of the people of the Village of Union Grove

Sec. 54-89. Prohibited acts.

- (a) It is a prohibited act for any person to discriminate:
 - (1) By refusing to sell, rent, finance or contract to construct housing or by refusing to negotiate or discuss the terms thereof.
 - (2) By refusing to permit inspection or exacting different or more stringent price, terms or conditions for the sale, lease, financing or rental of housing.
 - (3) By refusing to finance or sell an unimproved residential lot or to construct a home or residence upon such a lot.
 - (4) By advertising in a manner that indicates discrimination by a preference or limitation.

- (5) For a person in the business of insuring against hazards, by refusing to enter into, or by exacting different terms, conditions or privileges with respect to, a contract of insurance against hazards to a dwelling.
- (6) By refusing to renew a lease, causing the eviction of a tenant from rental housing or engaging in the harassment of a tenant.
- (7) In providing the privileges, services or facilities that are available in connection with housing.
- (8) By falsely representing that housing is unavailable for inspection, rental or sale.
- (9) By denying access to, or membership or participation in, a multiple listing service or other real estate service.
- (10) In making available any of the following transactions, or in the terms or conditions of such transactions for a person whose business includes engaging in residential real estate-related transactions:
 - a. The making or purchasing of loans or the provision of other financial assistance for purchasing, constructing, improving, repairing or maintaining housing or the making or purchasing of loans or the provision of other financial assistance secured by residential real estate.
 - b. Selling, brokering or appraising residential real property.
- (11) By otherwise making unavailable or denying housing.
- (12) By refusing to permit, at the expense of a person with a disability, reasonable modifications of existing housing that is occupied, or is to be occupied, by such a person if the modifications may be necessary to afford the person full enjoyment or use of the housing.
 - a. In the case of rental housing, a landlord may, where it is reasonably to do so, condition the permission for a modification on the tenant's agreement to restore the interior of the housing to the condition that existed before the modification, other than reasonable wear and tear.
 - b. In the case of rental housing, the landlord may not increase any customarily required security deposit when a person with a disability requests a modification to the housing.
 - c. Where it is necessary to ensure that funds will be available to pay for the restorations at the end of the tenancy, the landlord may negotiate as part of a restoration agreement a requirement that the tenant pay into an interest-bearing escrow account, over a reasonable period, a reasonable amount of money not to exceed the cost of the restorations. The interest in any such account shall

accrue to the benefit of the tenant. If escrowed funds are not used by the landlord for restorations, they shall be returned to the tenant.

- (13) By segregating, separating, excluding or treating unequally in the sale or rental of, or otherwise make unavailable or deny, housing to a buyer or renter because of a disability of that buyer or renter, a disability of a person residing in or intending to reside in that housing after it is sold, rented or made available or a disability of a person associated with that buyer or renter.
- (14) By segregating, separating, excluding or treating unequally a person in the terms, conditions or privileges of sale or rental of housing, or in the provision of services or facilities in connection with such housing, because of a disability of that person, a disability of a person residing in or intending to reside in that housing after it is sold, rented or made available or a disability of a person associated with that person.
- (15) By refusing to make reasonable accommodations in rules, policies, practices or services that are associated with the housing, when such accommodations may be necessary to afford the person equal opportunity to use and enjoy housing, unless the accommodation would impose an undue hardship on the owner of the housing.
- (16) By refusing to rent or sell housing to an individual that has a disability and a disability-related need for an animal that is individually trained to do work or perform tasks for that individual, cause the eviction of that individual from housing, require extra compensation from that individual as a condition of continued residence in housing, or engage in the harassment of that individual because he or she keeps such an animal.
 - a. If an individual keeps or is seeking to keep an animal that is individually trained to do work or perform tasks in housing, an owner, lessor, lessor's agent, owner's agent, or representative of a condominium association may request that the individual submit to the owner, lessor, agent, or representative reliable documentation that the individual has a disability and reliable documentation of the disability-related need for the animal, unless the disability is readily apparent or known. If the disability is readily apparent or known but the disability-related need for the animal is not, the individual may be requested to submit reliable documentation of the disability-related need for the animal.
 - b. An individual with a disability who keeps an animal that is individually trained to do work or perform tasks in housing shall accept liability for sanitation with respect to, and damage to the premises caused by, the animal.
- (17) By refusing to rent or sell housing to an individual that has a disability and a disability-related need for an emotional support animal, cause the eviction of that individual from housing, require extra compensation from that

individual as a condition of continued residence in housing, or engage in the harassment of that individual because he or she keeps such an animal.

- a. If an individual keeps or is seeking to keep an emotional support animal in housing, an owner, lessor, lessor's agent, owner's agent, or representative of a condominium association may request that the individual submit to the owner, lessor, agent, or representative reliable documentation that the individual has a disability and reliable documentation of the disability-related need for the emotional support animal from a licensed health professional.
- b. An individual with a disability who keeps an emotional support animal in housing shall accept liability for sanitation with respect to, and damage to the premises caused by, the animal.

(b) No person may coerce, intimidate, threaten or interfere with any person in the exercise or enjoyment of, or on account of his or her having exercised or enjoyed, any right granted or protected by this Division, or with a person who has aided or encouraged another person in the exercise or enjoyment of a right granted or protected by this Division.

Sec. 54-90. Representations designed to induce panic sales.

It is a prohibited act for any person to induce or attempt to induce any other person to sell, rent or lease housing by representations regarding the present or prospective entry into the neighborhood of a person of a particular economic status or a member of a protected class or by representations to the effect that such present or prospective entry will or may result in any of the following:

- (1) The lowering of real estate values in the area concerned.
- (2) A deterioration in the character of the area concerned.
- (3) An increase in criminal or antisocial behavior in the area concerned.
- (4) A decline in the quality of the schools or other public facilities serving the area.

Sec. 54-91. Design and Construction of Covered Multifamily Housing.

(a) In addition to discrimination prohibited under Sections 54-89 and 54-90 of this Code, no person may design or construct covered multifamily housing, unless it meets the standards set forth in Wis. Stat. Section 101.132(2).

(b) No person may remodel housing with 3 or more dwelling units unless the remodeled housing meets the standards specified above as required under s. 101.132 (2) (b) 1., 2. or 3., whichever is applicable.

Sec. 54-92. Exemptions and Exclusions.

(a) Nothing in this division shall prohibit discrimination on the basis of age in relation to housing designed to meet the needs of elderly individuals subject to the statutes incorporated above.

(b) Further exemptions and exclusions are set forth in the statutes incorporated above.

Sec. 54-93. Complaints and conciliation.

(a) An Aggrieved Person may file a complaint with the Village Clerk. Upon a receipt of such a complaint, the Village Clerk shall forward a copy of the complaint to the Village Board, or a duly authorized representative, which shall conduct an investigation of the complaint and will then attempt to resolve each complaint in a timely manner to comply with the one (1) year statute of limitations imposed by Wis. Stat. § 106.50(6)(a)(1) for review of the complaint by the Department of Workforce Development, Equal Rights Division.

(b) Failure to achieve a resolution acceptable to both parties and compliance with this Ordinance shall cause the Village Board to forward the complaint and findings to appropriate State and Federal agencies including those referenced under Wis. Stat. 106.50(6).

(c) If the complaint alleges the Village is the discriminatory party, the complaint will be received but referred to the proper state or deferral agency and notice of the same will be provided to the complainant by the Village in writing.

(d) Nothing in this Division shall be construed as prohibiting or in any way limiting the right of complainants to pursue in any appropriate court, any remedy or cause of action available to them under state or federal law.

Sec. 54-94. Other remedies.

(a) A complainant, aggrieved person or respondent may elect to remove the action to circuit court after a finding has been made that there is reasonable cause to believe that a violation this Division has occurred.

(b) The Village is hereby authorized, at any time after a complaint has been filed alleging an ordinance violation, to file a complaint in circuit court seeking a temporary injunction or restraining order pending final disposition of the complaint.

Sec. 54-95. Penalties.

(a) Any natural person or entity that is not a natural person adjudged to have violated this division shall, for the first such violation, forfeit not more than \$10,000.00.

(b) Any entity that is not a natural person adjudged to have violated this division within five years after having first been adjudged to have violated this division, for every violation committed within the five years, shall forfeit not more than \$25,000.00.

(c) Any entity that is not a natural person adjudged to have violated this division two (2) or more prior times within seven years after having been adjudged to have violated this division the first time, shall forfeit not more than \$50,000.00.